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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,440	12/05/2001	Gerald M. Green	7326-20138	9481

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EXAMINER

GREIMEL, JOCELYN

ART UNIT	PAPER NUMBER
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3693

MAIL DATE	DELIVERY MODE
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07/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/005,440	Applicant(s) GREEN ET AL.	
	Examiner Jocelyn Greimel	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7-15,17,18 and 20-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-5, 7-15, 17-18 and 20-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to Applicant's Amendments and Remarks filed 11 April 2007.

Status of Claims

Claims 3, 5, 16, and 19 have been cancelled. Claims 1, 4, 7-10, 14, 17, 20-23 and 27 have been amended. Claims 29-32 have been added. Claims 1, 14 and 27 are independent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

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3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. **Claims 1-2, 4-5, 7-15, 17-18 and 20-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeFrancesco et al (US Patent No. 6,587,841, hereinafter DeFrancesco) in view of Mortgage Banking and further in view of Duhon (US Patent No. 6,311,169).** In reference to claims 1, 14, 27 and 29-32, DeFrancesco teaches a method, system and computer system and interface for generation of enhanced data to evaluate a proposed borrower, comprising the steps of:

- a. obtaining from said borrower a first set of information, said first set of information including identification information to identify said borrower to a set of recipient financial information sources (col.1, lines 18-26);
- b. communicating a request to each recipient financial information source within said set of recipient information sources, wherein said set of recipient information sources includes at least one or more credit bureaus, one or more banks, and one or more government entities, and wherein said request includes identification information identifying said borrower (col. 1, lines 26-31);
- c. receiving a second set of information from one or more of said recipient information sources; automatically generating a consolidated report based upon said second set of information (col.5, lines 15-25);
- d. receiving responsive to said request, a credit history report from said one or more credit bureaus, a banking report from said one or more banks, and an

earnings report from said one or more government entities; wherein said credit history report and said banking report, and said earnings report are electronically formatted for use by a computer; automatically generating a consolidated report based upon said credit history report, said banking report, and said earnings report; and determining whether to loan money to said borrower based upon said consolidated report.

2. DeFrancesco fails to teach the method, system and computer system and interface receiving an earnings report from said one or more government entities. However, Mortgage Banking teaches the method, system and computer system and interface receiving an earnings report from said one or more government entities (pages 1-2).

3. It would have been obvious to one having ordinary skill in the art at the time of the Applicant's invention to have utilized receiving an earnings report from said one or more government entities and to modify DeFrancesco because such a modification would allow DeFrancesco to decrease fraud in submissions and decrease turnaround time for the consumer.

4. DeFrancesco fails to teach the method, system and computer system and interface determining whether to loan money to the borrower based upon the consolidated report. Duhon teaches the method, system and computer system and

interface determining whether to loan money to the borrower based upon the consolidated report (col. 6, lines 38-50; col. 9, lines 1-55; col. 11, lines 22-50).

5. It would have been obvious to one having ordinary skill in the art at the time the invention was made to determine whether to loan money to the borrower based upon the consolidated report and to modify DeFrancesco because such a modification would allow DeFrancesco to target potential clients and present them with offers for loan opportunities.

Claim Rejections - 35 USC § 103

6. In reference to claim 2, Duhon teaches the method wherein said step of determining is performed by one or more lenders and further comprising the steps of communicating said consolidated report to said one or more lenders (col. 9, lines 1-55; col. 11, lines 22-50).

7. In reference to claims 4-5 and claims 8-10, DeFrancesco discloses the collection of information from various sources including: information such as social security numbers, electronic signatures, tax information, bank account information, earning information and bank deposit histories as is common in the art of financial transactions (abstract).

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8. In reference to claim 11, Duhon teaches communicating, formatting and authorization of information according to certain requirements (col. 4, line 64 – col. 5, line 10; col. 5, lines 50-65).

9. In reference to claims 7 and 12-13, Lent discloses communicating a request comprising a communication through an intermediate computer in order to provide a secure interface to the one or more recipient financial information sources [communication buffer] (col. 4, lines 4-18) and wherein a consolidated report comprises a confirmation code (col. 10, lines 54-67; col. 11, lines 1-36). Claims 15, 17-18, 20-26 and 28 are analogous system and apparatus claims to the above detailed method claims and are evaluated as indicated in the method claims supra.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

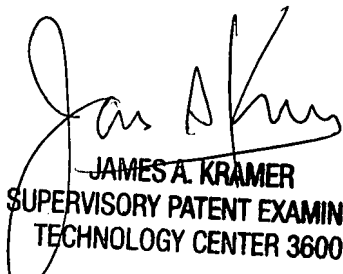
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached on Monday - Friday 8:30 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel
Examiner, Art Unit 3693
July 8, 2007

 7/9/07
JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
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